

Notice of Allowability

Application No.

10/798,170

Examiner

Michael W. Hoyer

Applicant(s)

ARSENAULT ET AL.

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed on 2/1/06.
2. ☒ The allowed claim(s) is/are 24-43 (Renumbered as 1-20).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>2/6/06</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Allowable Subject Matter

1. The following is an Examiner's statement of reasons for allowance: Claims 24-43 (renumbered as 1-20) are allowed.

As for independent claims 24 and 35, the prior art, alone or in combination, does not teach or fairly suggest an apparatus and a method for storing digital content records used to create informational displays in an electronic television program guide comprising a receiver for receiving a first content record; a memory for storing the first content record; and a control circuit operatively coupled to the receiver and the memory, wherein the control circuit is configured to determine (a) if the first content record is new; (b) if the first content record is associated with a new label that categorizes the first content record; and (c) if the first content record is associated with a title that categorizes the new label. As for the most pertinent prior art of record, the Etheredge (USPN 6,172,674) reference discloses an apparatus and method for storing digital content records used to create informational displays in an electronic television program guide. The claimed [satellite] receiver for receiving a first content record is met by client computer 100 through which the user is connected to a satellite dish (col. 5, lines 25-39). The claimed memory for storing the first content record is met by DRAM 134, in Figure 2. The claimed control circuit operatively coupled to the receiver and the memory is met by processor 130 as shown in Figure 2 (col. 3, lines 59-60, col. 4, lines 44-52), the components are connected directly to processor 130 or via a bus 162 (col. 5, lines 7-9). Etheredge discloses various pointers for records associated with electronic program guide display information (see col. 6, lines 46-48,

Art Unit: 2623

col. 7, lines 18-25 and col. 10, line 63 – col. 11, line 7. However, Etheredge does not explicitly disclose (a)-(c) as recited above.

An additional reference, Williams et al (USPN 6,157,411), discloses a [satellite] receiver (satellite input 126 in Fig. 1 and DSS 232 in Fig. 2, see col. 3, line 8, col. 4, lines 2-3, 10 and 48, and col. 5, lines 33-37) for receiving content data such as records, traits or items (col. 5, lines 23-25, 33-37, 62-67 and col. 6, lines 28-54), that includes memory and mass storage (see Figs. 2 & 5), where the control circuit or processor dynamically generates records with additional or new fields to accommodate new traits that may have been received for a particular item (see col. 6, lines 53-67, col. 7, lines 21-35, col. 8, lines 1-5, col. 9, line 64 – col. 10, line 2 and 15-39). However, Williams et al does not disclose specifically disclose (a)-(c) as recited above. One of ordinary skill in the art would not have been led to modify the Etheredge reference and/or Williams et al reference to make all of the additional claimed features of the applicant's invention. The Etheredge and Williams et al references do not teach or fairly suggest an apparatus and a method for storing digital content records used to create informational displays in an electronic television program guide specifically comprising (a)-(c) as described above. In the applicant's invention, the particular features described above are disclosed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael W. Hoyer whose telephone number is **571-272-7346**.

The examiner can normally be reached on Monday to Friday from 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at **571-272-7353**.

Any response to this action should be mailed to:

Please address mail to be delivered by the United States Postal Service (USPS) as follows:

Mail Stop _____
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Effective January 14, 2005, except correspondence for Maintenance Fee payments, Deposit Account Replenishments (see 1.25(c)(4)), and Licensing and Review (see 37 CFR 5.1(c) and 5.2(c)), please address correspondence to be delivered by other delivery services (Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolator, etc.) as follows:

United States Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Some correspondence may be submitted electronically. See the Office's Internet Web site <http://www.uspto.gov> for additional information.

Or faxed to: 571-273-8300

Hand-delivered responses should be brought to the Customer Service Window at the address listed above.

Art Unit: 2623

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is **571-272-2600**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866-217-9197** (toll-free).



Michael W. Hoyer
April 17, 2006



JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600